

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DONTAY RADNEY,

Plaintiff,

v.

METRO POLICE, *et al.*,

Defendants.

Case No. 2:22-cv-00224-RFB-NJK

**ORDER**

[Docket No. 6]

On February 4, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. The Court denied Plaintiff’s application to proceed *in forma pauperis* without prejudice with leave to file a new, fully complete application. Docket No. 5. On March 10, 2022, Plaintiff filed a new application to proceed *in forma pauperis*. Docket No. 6.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted either an inmate account statement for the previous six-month period or a completed and signed financial certificate. *See* Docket No. 6. Further, Plaintiff has not fully answered the majority of the questions on the application. *Id.* at 1-3. Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*, Docket No. 6, without prejudice,

1 because the application is incomplete. The Court has already granted one extension to allow  
 2 Plaintiff to fix similar errors in his application to proceed *in forma pauperis*. Docket No. 5. The  
 3 Court will grant Plaintiff one final opportunity to file a fully complete application to proceed *in*  
 4 *forma pauperis* containing all three of the required documents. Plaintiff must file a fully complete  
 5 application to proceed *in forma pauperis* on or before **May 16, 2022**. Absent unusual  
 6 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a  
 7 fully complete application to proceed *in forma pauperis* with all three required documents on or  
 8 before **May 16, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a  
 9 new case with the Court when Plaintiff is able to acquire all three of the documents needed to file  
 10 a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.  
 11 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and  
 12 instead pay the full filing fee of \$402 on or before **May 16, 2022** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
 14 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
 15 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

16 For the foregoing reasons,

17 IT IS ORDERED that Plaintiff's second application to proceed *in forma pauperis*, Docket  
 18 No. 6, is **DENIED** without prejudice to file a new fully complete application to proceed *in forma*  
 19 *pauperis* with all three documents.

20 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
 21 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 22 information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that, on or before **May 16, 2022**, Plaintiff will either pay the  
 24 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative  
 25 fee) or file with the Court:

26 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
 27 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
 28 3);

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
2 (i.e. page 4 of this Court's approved form); and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
6 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action  
7 on or before **May 16, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to  
8 refile the case with the Court, under a new case number, when Plaintiff has all three documents  
9 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing  
10 fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
12 No. 1-1, but will not file it at this time.

13 IT IS SO ORDERED.

14 DATED: March 16, 2022.

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17 NANCY J. KOPPE  
18 UNITED STATES MAGISTRATE JUDGE  
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